

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-1778 of 2001 (O&M)

Date of decision: 02.02.2016

Suresh Kumar

...Appellant

Versus

Rajesh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K. K. Goel, Advocate,
for the appellant.

Mr. Sandeep Singh, Advocate,
for respondent Nos.1 and 2.

Mr. Navin Kapur, Advocate
for respondent No.3.

JITENDRA CHAUHAN, J.

The present appeal has been filed by the injured-claimant against the impugned award dated 13.12.2000, passed by the learned Motor Accident Claims Tribunal, Fatehabad, (for short, 'the Tribunal').

The learned counsel for the appellant contends that the learned Tribunal has erroneously passed the impugned award by holding that in the DDR, number of the tractor is not mentioned.

Since, the appellant become unconscious, it was not possible to

give the tractor number. The learned Tribunal has ignored the fact that Dr. Ashok Arora has specifically stated that the appellant had received multiple injuries, which could not have been self inflicted. He further states that statement of Dr. Ashok Arora duly proves that the appellant remained admitted in his hospital with the diagnosis of fracture shaft femur right side with multiple injuries. Therefore, the impugned award dated 13.12.2000 is liable to be set aside.

The learned counsel for respondent Nos.1 and 2 states that there are material contradictions in the versions of the appellant regarding standing of the appellant at the alleged place. He further states that no tractor number had been given in the DDR.

The learned counsel for the insurance company has vehemently opposed the appeal and states that the learned Tribunal has rightly dismissed the claim petition of the appellant.

I have heard the learned counsel for the parties and perused the entire record on file.

The learned Tribunal has dismissed the claim petition of the appellant after considering the entire facts and circumstances of the case. A perusal of the same reveals that neither the appellant examined one Surajmal, who shifted him to hospital to support his assertion nor any police official from the police post, which is just opposite to the place of accident, to corroborate that the accident

was caused by tractor bearing registration No.HR-20-B 9924.

Further, no MLR has been placed on record to substantiate that he suffered injuries as a result of the accident. Therefore, the bald statement of appellant cannot be accepted, to prove the factum of the accident as well as negligence and the same was caused by tractor bearing registration No.HR-20-B 9924 or that it was being driven by Rajesh rashly and negligently. Accordingly, this Court finds no fault in the findings recorded by the learned Tribunal.

Consequently, the present appeal is hereby dismissed.

02.02.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**